

# APPENDIX I

## *Special Funds Reports*

(Examples and definitions)

## LIST OF SPECIAL FUNDS

- (1) Substance Abuse Prevention Account (SAPA)—FINET fund #105
- (2) RESTA
- (3) Non-Judicial Adjustment Account (NJA)—FINET fund # 103
- (4) Alternative Dispute Resolution (ADR)—FINET fund #101
- (5) Children's Legal Defense Fund (CLDF)—FINET fund #102
- (6) Trust Account Interest Income Account—FINET fund # 104
- (7) Court Reporter Technology Fund—FINET fund # 094
- (8) GAL Services Account—FINET fund #095
- (9) GAL Dedicated Credits
- (10) CASA Volunteer Account
- (11) Court Complex Account—FINET fund #106
- (12) Law Library Non-lapsing Account
- (13) Juror/Witness Dedicated Credits (Interpreters)
- (14) Grants (Federal and Non-profit)
- (15) Court Security Account
- (16) Justice Court Technology, Security and Training Account
- (17) Juvenile Court Dedicated Credit Accounts

### 2<sup>nd</sup> District

1295-Weber Drug Court  
1296-Drug Court Program  
1297-Community Service  
1298-Graffiti Program

### 3<sup>rd</sup> District

1396-Mediation  
1397-Tobacco Court  
1398-Community Service

### 4<sup>th</sup> District

1497-Juab Contracts  
1498-TAG  
1499-Community Service

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# SUBSTANCE ABUSE PREVENTION ACCOUNT

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Statutory reference:

## **63-63a-5. Substance Abuse Prevention Account established - Funding - Uses.**

- (1) There is created a restricted account within the General Fund known as the Substance Abuse Prevention Account.
- (2) (a) The Division of Finance shall allocate to the Substance Abuse Prevention Account from the collected surcharge established in Section 63-63a-1:
- (i) 2.5% for the juvenile court, but not to exceed the amount appropriated by the Legislature;
- (b) The juvenile court shall use the allocation to pay for community service programs required by Subsection 78-3a-118(2)(m).

## **UCA 78-3a-118(2)(m)**

- (m) (i) When a minor is found within the jurisdiction of the juvenile court under Section 78-3a-104 because of violating Section 58-37-8, Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, the court shall, in addition to any fines or fees otherwise imposed, order that the minor perform a minimum of 20 hours, but no more than 100 hours, of compensatory service. Satisfactory completion of an approved substance abuse prevention or treatment program may be credited by the court as compensatory service hours.
- (ii) When a minor is found within the jurisdiction of the juvenile court under Section 78-3a-104 because of a violation of Section 32A-12-209 or Subsection 76-9-701(1), the court may, upon the first adjudication, and shall, upon a second or subsequent adjudication, order that the minor perform a minimum of 20 hours, but no more than 100 hours of compensatory service, in addition to any fines or fees otherwise imposed. Satisfactory completion of an approved substance abuse prevention or treatment program may be credited by the court as compensatory service hours.

The court may order that the child be required to repair, replace, or otherwise make restitution for damage or loss caused by his wrongful act and may impose fines in limited amounts.

Policy:

### **Program Philosophy**

The primary purpose of the court programs funded by the Substance Abuse Prevention Account (SAPA) is the education and treatment of youth who admit to or are convicted of a substance abuse violation. The secondary purposes are to sanction those youth, fund the education and treatment programs and provide community service through the efforts of the youth involved.

### **Fund Distribution**

The Juvenile Court had a grant for Work Restitution Supervision which ended in FY 1990. The grant was for \$50,000 and funded work restitution programs in First, Third, Seventh, and Eighth Districts. The Juvenile Court requested that the Legislature continue funding the program with \$50,000 from the General Fund. The Legislature did not fund the continuation of the grant with General Fund, but rather with SAPA funds. As a result, the first \$50,000 allocated from SAPA goes to these four districts. The remainder is divided by the following formula—per the Juvenile Court Administrator at that time, John McNamara.

- a. 40% shall be returned to each district in the same proportion as the surcharge on fines was collected during the preceding calendar year;
- b. 20% shall be returned to each district in the same proportion as the number of drug and alcohol community service hours served during the preceding calendar year;
- c. 20% shall be returned to each district in the same proportion as the number of drug and alcohol related offenses that result in admissions or convictions during the previous calendar year;
- d. 20% shall be retained in an innovative program fund for distribution by the Juvenile Court Administrator following a review of requests submitted by the districts.
  - 1) 50% of the funds are allocated to ORG 4239.

- 2) The Juvenile Court Administrator currently allocates the other 50% back to the District ORGs on a pro-rata basis to cover drug testing costs.
- e. Any match requirements for federal funds or other commitments made by the Juvenile Court Administrator shall be distributed from the 20% allocation retained for administrative programs.
  - f. Any match requirements for federal funds or other commitments made by a district court executive shall be distributed from that district's allocation
  - g. In no instance will the allocation to a district will be less than \$3,000.00, regardless of the formula allocation described above.
  - h. The Board of Judges may adjust this formula distribution.
  - i. Expenditures cannot exceed the allocations detailed in the SAPA ORG.
  - j. Staff time funded through the SAPA Account must be temporary and either employment terminated or responsible manager will fund the position when the ORG is depleted of funds.

*The ORG numbers for the SAPA accounts are:*

District One	4231 BAE
District Two	4232 BAE
District Three	4233 BAE
District Four	4234 BAE
District Five	4235 BAE
District Six	4236 BAE
District Seven	4237 BAE
District Eight	4238 BAE
SAPA Administration	4239 BAE
SAPA Drug	4240 BAE

### ***Areas Authorized for Fund Expenditure***

The following areas are authorized as appropriate for use of funds from the Substance Abuse Prevention Account:

- a. Salaries and benefits for staff spending the major portion of their time supervising youth in community service work, monitoring community service programs or providing substance abuse education to referred youth or court staff;
- b. Contracting for community service or substance abuse programs for youth who are referred to court and identified as substance abusers or needing a community service site to complete their court ordered service including purchasing supplies and testing for the presence of illegal substances in referred youth;
- c. Special substance education programs for court staff including conferences whose primary focus is community service, restitution, or substance abuse.
- d. Equipment, transportation and other costs directly related to supporting youth assigned to community service teams supervised by court staff in community service work or in substance abuse programs.

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# RESTA

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Statutory reference:

## **78-3a-207. Fines**

(3) (a) Except under Subsection (3)(b) and as otherwise provided by law, all fines, fees, penalties, and forfeitures imposed and collected by the juvenile court shall be paid to the state treasurer for deposit in the General Fund.

(b) Not more than 50% of any fine or forfeiture collected may be paid to a state rehabilitative employment program for delinquent minors that provides for employment of the minor in the county of the minor's residence if:

(i) reimbursement for the minor's labor is paid to the victim of the minor's delinquent behavior;

(ii) the amount earned and paid is set by court order;

(iii) the minor is not paid more than the hourly minimum wage; and

(iv) no payments to victims are made without the minor's involvement in a rehabilitative work program.

(c) Fines withheld under Subsection (3)(b) and any private contributions to the rehabilitative employment program are accounted for separately and are subject to audit at any time by the state auditor.

(d) Funds withheld under Subsection (3)(b) and private contributions are non-lapsing. The Board of Juvenile Court Judges shall establish policies for the use of the funds described in this subsection.

## **Rule 7-307. Use of money in the restitution fund.**

Intent:

To establish a uniform procedure governing the use of funds paid to the rehabilitation employment program for delinquent minors.

Applicability:

This rule shall apply to disbursement of funds from the Juvenile Court's rehabilitation employment program fund.

Statement of the Rule:

- (1) The primary purpose of the fund is to compensate victims for losses incurred as a result of juvenile delinquency where the youth has no other means to pay restitution. The secondary purpose of the fund is to help delinquent youths meet their restitution obligations by giving them an opportunity to work in public service.
- (2) compensation for their loss.
- (3) Up to 20% of the fund may be used to pay for non-victim compensation activities such as necessary insurance coverage, supervisors, equipment and transportation for community service activities. Expenditures made from the fund for functions other than direct victim compensation shall be itemized and included in an annual plan by each Court Executive for approval by the Juvenile Court Administrator.
- (4) Employers from the private sector may be subsidized from the fund to encourage their employment of youths in the program as long as at least two dollars is returned to a victim for every one dollar of job subsidy the employer receives.
- (5) Funds may be transferred between counties within each judicial district as required. The Court Executive shall recommend the amount to be transferred and with the approval of the judge or presiding judge in the district such transfers may be made. Written documentation of each transfer, including the reason for the transfer, shall be prepared by the Court Executive and maintained in a special file for auditing purposes.

### *Areas Authorized for Fund Expenditure.*

The following areas are authorized as appropriate for use of funds from the Non-judicial Adjustment account:

- a. Salaries and benefits for staff spending the major portion of their time supervising youth in community service work, monitoring community service programs or developing and monitoring diversion programs for referred youth;
- b. Developing and establishing community service programs for youth who are referred to court and needing a community service site to complete their court ordered service;

- c. Special education programs for court staff including conferences whose primary focus is diversion, community service, or restitution;
- d. Equipment, transportation and other costs directly related to supporting youth assigned to community service teams supervised by court staff in community service work; and
- e. Restitution.

### *USE OF THE RESTA ORG STRUCTURE*

#### MANDATED EXPENDITURES

As the State must meet federal requirements for reporting taxable income, any personnel paid for from RESTA funds must be placed upon the state payroll and the salary paid from the RESTA ORGs. These are:

LOW ORG CODES:			
District One	4261	District Five	4265
District Two	4262	District Six	4266
District Three	4263	District Seven	4267
District Four	4264	District Eight	4268

The State takes care of the W-2s and 1099s for these employees.

#### OPTIONAL EXPENDITURES

Court Executives currently have the option of authorizing the payment of invoices for items purchased for RESTA programs directly from the RESTA trust fund, or purchasing items and paying for them through the state payable process.

#### RESTA ORG BALANCE

At the end of each quarter (October, January, April, and July), any expenditures made from the RESTA ORGs must be refunded from the RESTA Trust Fund.

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## **NONJUDICIAL ADJUSTMENT ACCOUNT**

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Statutory reference:

#### **78-3a-207. Fines - Fees - Deposit with state treasurer - Restricted account.**

- (1) There is created within the General Fund a restricted account known as the "Non-judicial Adjustment Account."
- (2) (a) The account shall be funded from the financial penalty established under Subsection 78-3a-502(2)(d)(i).
- (b) The court shall deposit all monies collected as a result of penalties assessed as part of the non-judicial adjustment of a case in the account.
- (c) The account shall be used to pay the expenses of juvenile compensatory service, victim restitution, and diversion programs.

Policy:

#### Program Philosophy

- a. The primary purpose of the Non-judicial Adjustment provision is to sanction those youth who are involved in situations that do not require judicial intervention.
- b. The secondary purpose is to fund education, diversion and treatment programs, provide community service work restitution programs through the efforts of the youth involved, and provide additional funds for restitution purposes.

### *Fund Distribution*

- a. Funds collected by each Juvenile Court location are tracked and credited to that location.
- b. The Appropriation is allocated to each district based upon the pro-rata share of funds collected during the previous Fiscal Year.
- c. The funds may be credited to any Juvenile Court location within the individual district at the Court Executive's discretion.
- d. Funds that are to be used for restitution may be requested from the AOC Finance Department. A check will then be issued to the requesting location for deposit in the Restitution side of the RESTA account. The funds transferred may not be used in the Administrative side of the RESTA account.
- e. If the funds are to be used for any purpose other than restitution, a request for payment should be made through the normal voucher payable system using the low org assigned to that judicial district (see chart below).
- f. Personnel can be hired and paid for through the Non-judicial Adjustment account, but when this occurs, they must be paid through the low org assigned to that judicial district (see chart below).

#### LOW ORG CODES:

District One	4251	District Five	4255
District Two	4252	District Six	4256
District Three	4253	District Seven	4257
District Four	4254	District Eight	4258

- g. The AOC Finance Department will provide a quarterly revenue and expenditure report by district.

### *Areas Authorized for Fund Expenditure.*

The following areas are authorized as appropriate for use of funds from the Non-judicial Adjustment account:

- a. Salaries and benefits for staff spending the major portion of their time supervising youth in community service work, monitoring community service programs or developing and monitoring diversion programs for referred youth;
- b. Developing and establishing community service programs for youth who are referred to court and needing a community service site to complete their court ordered service;
- c. Special education programs for court staff including conferences whose primary focus is diversion, community service, or restitution;
- d. Equipment, transportation and other costs directly related to supporting youth assigned to community service teams supervised by court staff in community service work; and
- f. Restitution.

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## ALTERNATIVE DISPUTE RESOLUTION (ADR)

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### **78-7-35. Civil fees of the courts of record - Courts complex design.**

(1) (j) (iii) One dollar of the fees established under Subsections (1)(a) through (e), (1)(g), and (1)® shall be allocated to and deposited with the Dispute Resolution Fund as provided in Section 78-31b-9.

### **78-31b-2. Definitions.**

- (1) "ADR" means alternative dispute resolution and includes arbitration, mediation, and other means of dispute resolution, other than court trial, authorized by the Judicial Council under this chapter.
- (2) "ADR organization" means an organization which provides training for ADR providers or offers other ADR services.
- (3) "ADR provider" means a neutral person who conducts an ADR procedure. An arbitrator, mediator, and early neutral evaluator are ADR providers.

(4) “Arbitration” means a private hearing before a neutral or panel of neutrals who hear the evidence, consider the contentions of the parties, and enter a written award to resolve the issues presented pursuant to Section 78-31b-6.

#### **78-31b-3. Purpose and findings.**

- (1) The purpose of this act is to promote the efficient and effective operation of the courts of this state by authorizing and encouraging the use of alternative methods of dispute resolution to secure the just, speedy, and inexpensive determination of civil actions filed in the courts of this state.
- (2) The Legislature finds that:
  - (a) the use of alternative methods of dispute resolution authorized by this act will secure the purposes of Article I, Section 11, Utah Constitution, by providing supplemental or complementary means for the just, speedy, and inexpensive resolution of disputes;
  - (b) preservation of the confidentiality of ADR procedures will significantly aid the successful resolution of civil actions in a just, speedy, and inexpensive manner;
  - (c) ADR procedures will reduce the need for judicial resources and the time and expense of the parties; and
  - (d) the purpose of this act will be promoted by authorizing the Judicial Council to establish rules for the administration of an experimental program to promote the use of ADR procedures by the courts of this state as an alternative or supplement to court trial.

#### **78-31b-4. Dispute Resolution Programs - Director - Duties - Report.**

- (1) Within the Administrative Office of the Courts, there shall be a director of Dispute Resolution Programs, appointed by the state court administrator.
- (2) The director shall be an employee of the Administrative Office of the Courts and shall be responsible for the administration of all court-annexed Dispute Resolution Programs. The director shall have duties, powers, and responsibilities as the Judicial Council may determine. The qualifications for employment of the director shall be based on training and experience in the management, principles, and purposes of alternative dispute resolution procedures.
- (3) In order to implement the purposes of this act, the Administrative Office of the Courts may contract with ADR providers or ADR organizations on a case-by-case basis, on a service basis, or on a program basis. ADR providers and organizations shall be subject to the rules and fees set by the Judicial Council. The Administrative Office of the Courts shall establish programs for the training of ADR providers and the orientation of attorneys and their clients to ADR programs and procedures.
- (4) An ADR provider is an independent contractor and shall be immune from all liability when conducting proceedings under the rules of the Judicial Council and the provisions of this act, except for wrongful disclosure of confidential information, to the same extent as a judge of the courts in this state.
- (5) The director shall report annually to the Supreme Court, the Judicial Council, the Judiciary Interim Committee, the governor, and the Utah State Bar on the operation of the Dispute Resolution Programs.
  - (a) Copies of the report shall be available to the public at the Administrative Office of the Courts.
  - (b) The report shall include:
    - (i) identification of participating judicial districts and the methods of alternative dispute resolution that are available in those districts;
    - (ii) the number and types of disputes received;
    - (iii) the methods of alternative dispute resolution to which the disputes were referred;
    - (iv) the course of the referral;
    - (v) the status of cases referred to alternative dispute resolution or the disposition of these disputes; and
    - (vi) any problems encountered in the administration of the program and the recommendations of the director as to the continuation or modification of any program.
  - (c) Nothing may be included in a report which would impair the privacy or confidentiality of any specific ADR proceeding.

#### **78-31b-5. Judicial Council rules for ADR procedures.**

- (1) To promote the use of ADR procedures, the Judicial Council may establish rules for the administration of an experimental program for referral of civil cases to ADR procedures. This program shall be administered by the Administrative Office of the Courts under the supervision of the director of Dispute Resolution Programs.



(2) The rules of the Judicial Council shall be based upon the purposes and provisions of this act. Any procedural and evidentiary rules as the Supreme Court may adopt shall not impinge on the constitutional rights of any parties.

(3) The rules of the Judicial Council shall include provisions:

(a) to orient parties and their counsel to the ADR program, ADR procedures, and the rules of the Judicial Council;

(b) to refer civil actions and categories of civil actions to ADR procedures;

© to refer to ADR procedures all or particular issues within a civil action;

(d) to protect persons not parties to the civil action whose rights may be affected in the resolution of the dispute;

(e) to ensure that no party or its attorney is prejudiced for electing, in good faith, not to participate in an ADR procedure;

(f) to exempt any case from the ADR program in which the objectives of ADR would not be realized;

(g) to create timetables to ensure that the ADR procedure is instituted and completed without undue delay or expense;

(h) to establish the qualifications of ADR providers for each form of ADR procedure including that:

(i) an ADR provider may, but need not be, a certified ADR provider pursuant to Title 58, Chapter 39a, Alternative Dispute Resolution Providers Certification Act; and

(ii) formal education in any particular field may not, by itself, be either a prerequisite or sufficient qualification to serve as an ADR provider under the program authorized by this act;

(i) to govern the conduct of each type of ADR procedure, including the site at which the procedure is conducted;

(j) to establish the means for the selection of an ADR provider for each form of ADR procedure;

(k) to determine the powers, duties, and responsibilities of the ADR provider for each form of ADR procedure;

(l) to establish a code of ethics applicable to ADR providers with means for its enforcement;

(m) to protect and preserve the privacy and confidentiality of ADR procedures;

(n) to protect and preserve the privacy rights of the parties;

(o) to permit waiver of all or part of fees assessed for referral of a case to the ADR program on a showing of impecuniosity or other compelling reason;

(p) to authorize imposition of sanctions for failure of counsel or parties to participate in good faith in the ADR procedure assigned;

(q) to assess the fees to cover the cost of compensation for the services of the ADR provider and reimbursement for the provider's allowable, out-of-pocket expenses and disbursements; and

® to allow vacation of an award by a court as provided in Section 78-31a-14.

#### **78-31b-9. Dispute Resolution Fund - Appropriation.**

There is created within the General Fund a restricted account known as the Dispute Resolution Fund. Fees established in Subsections 78-7-35(1)(a) through (e), (1)(g), and (1)® shall be allocated to and deposited in the fund. The Legislature shall annually appropriate money from the Dispute Resolution Fund to the Administrative Office of the Courts to implement the purposes of the Alternative Dispute Resolution Act.

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# CHILDREN'S LEGAL DEFENSE FUND (CLDF)

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## **17-5-214. Fees of county officers.**

3 © As long as the Children's Legal Defense Account is authorized by Section 63-63a-8, the county clerk shall:

- (i) assess \$10 in addition to whatever fee for a marriage license is established under authority of this section and in addition to the \$20 assessed for the displaced homemaker program; and
- (ii) transmit \$10 from each marriage license fee to the Division of Finance for deposit in the Children's Legal Defense Account.

## **78-7-35. Civil fees of the courts of record - Courts complex design.**

- (1) (j) (ii) Two dollars of the fees established by Subsections (1)(a) through (i) shall be allocated by the state treasurer to be deposited in the restricted account, Children's Legal Defense Account, as provided in Section 63-63a-8.

## **30-3-11.3. Mandatory educational course for divorcing parents - Purpose - Curriculum - Exceptions.**

(7)(a) Each party shall pay the costs of the course to the independent contractor providing the course at the time and place of the course. A fee of \$8 shall be collected, as part of the course fee paid by each participant, and deposited in the Children's Legal Defense Account, described in Section 63-63a-8.

63-63a-8. Children's Legal Defense Account.

Statute text

(1) There is created a restricted account within the General Fund known as the Children's Legal Defense Account.

(2) The purpose of the Children's Legal Defense Account is to provide for programs that protect and defend the rights, safety, and quality of life of children.

(3) The Legislature shall appropriate money from the account for the administrative and related costs of the following programs:

(a) implementing the Mandatory Educational Course on Children's Needs for Divorcing Parents relating to the effects of divorce on children as provided in Sections 30-3-4, 30-3-7, 30-3-10.3, 30-3-11.3, 30-3-15.3, and 30-3-18, and the Mediation Pilot Program - Child Custody or Visitation as provided in Sections 30-3-15.3 and 30-3-18;

(b) implementing the use of guardians ad litem as provided in Sections 30-3-5.2, 78-3a-318, 78-3a-912, 78-11-6, and 78-7-9; the training of guardian ad litem and volunteers as provided in Section 78-3a-912; and termination of parental rights as provided in Sections 78-3a-118, 78-3a-119, 78-3a-903, and Title 78, Chapter 3a, Part 4, Termination of Parental Rights Act. This account may not be used to supplant funding for the guardian ad litem program in the juvenile court as provided in Section 78-3a-912; and

© implementing and administering the Expedited Visitation Enforcement Pilot Program as provided in Section 30-3-38.

(4) The following withheld fees shall be allocated only to the Children's Legal Defense Account and used only for the purposes provided in Subsections (3) (a) through (c):

(a) the additional \$10 fee withheld on every marriage license issued in the state of Utah as provided in Section 17-5-214; and

(b) a fee of \$2 shall be withheld from the existing civil filing fee collected on any complaint, affidavit, or petition in a civil, probate, or adoption matter in every court of record.

(5) The Division of Finance shall allocate the monies described in Subsection (4) from the General Fund to the Children's Legal Defense Account.

(6) Any funds in excess of \$200,000 remaining in the restricted account as of June 30 of any fiscal year shall lapse into the General Fund.

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# TRUST INTEREST INCOME FUND

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## **78-27-4. Money deposited in court.**

- (1) (a) Any person depositing money in court, to be held in trust, shall pay it to the court clerk.
- (b) The clerk shall deposit the money in a court trust fund or with the county treasurer or city recorder to be held subject to the order of the court.
- (2) The Judicial Council shall adopt rules governing the maintenance of court trust funds and the disposition of interest earnings on those trust funds.
- (3) (a) Any interest earned on trust funds that is not required to accrue to the litigants by Judicial Council rule or court order shall be deposited in a restricted account.
- (b) The Legislature shall appropriate funds from that restricted account to the Judicial Council to:
  - (i) offset costs to the courts for collection and maintenance of court trust funds; and
  - (ii) provide accounting and auditing of all court revenue and trust accounts.

## **Rule 67. Deposit in court.**

### Rules Text

When it is admitted by the pleadings, or shown upon the examination of a party, that he has in his possession or under his control any money or other thing capable of delivery, which, being the subject of litigation, is held by him as trustee for another party, or which belongs or is due to another party, the court may order the same, upon motion, to be deposited in court or delivered to such party upon such conditions as may be just, subject to the further direction of the court; provided that if money is paid into court under this rule it shall be deposited and withdrawn in accordance with Section 78-27-4, Utah Code Annotated 1953, or any like statute.

## **Rule 3-407. Accounting.**

### Rules Text

#### Intent:

To establish uniform procedures for the processing, tracking, and reporting of accounts receivable and trust accounts.

#### Applicability:

This rule applies to the judiciary.

### (3) Trust accounts.

(A) Definition. Trust accounts are accounts established by the courts for the benefit of third parties. Examples of funds which are held in trust accounts include restitution, child support, and bail amounts.

### (F) Interest bearing.

- (i) All trust accounts shall be interest bearing. The administrative office shall develop procedures which provide for interest to accrue either to the state or to the litigants in accordance with Utah Code Ann. § 78-27-4(3)(a).
- (ii) For trust amounts in excess of \$5,000, the court may order or the litigant may request that such funds be deposited in an interest bearing escrow account. The account shall be at an institution designated by the administrative office unless otherwise ordered by the court.
- (iii) For interest bearing accounts established at the request of the litigant or by court order, an administrative fee, in an amount established by the Council, shall be assessed. The account shall be maintained in the name of the court, and the State tax identification number shall be used. The court shall, in all orders providing for the withdrawal of trust funds, designate the person or entity to whom the earned interest is awarded.
- (4) Compliance. The administrative office and the courts shall comply with state law and the manual of procedures adopted by the administrative office.

## **POLICY:**

Based upon statutory provisions, Interest income is used for paying: personnel costs; armored car services; bankcard charges; bank supplies (checks, deposit slips, etc.); interest paid to litigants (not transferred to IBA account), and other bank charges.

Quarterly Report to State Court Administrator

(Sample Report)

## Investment Account Quarterly Report For 1st Quarter FY99

<b>Fund<sup>1</sup></b>	<b>Beginning Balance Invested<sup>2</sup></b>	<b>Collections<sup>3</sup></b>	<b>Disbursements<sup>4</sup></b>	<b>Net Interest Received This Period<sup>5</sup></b>	<b>Ending Investment Balance<sup>6</sup></b>
<b>Dreyfuss</b>	1,579,665.84	3,079,665.84	3,111,051.26	36,124.41	1,584,404.83
<b>Coupons</b>	10,995,000.00	4,041,000.00	7,995,000.00	262,386.53	7,041,000.00
<b>Overnight</b>	2,340,453.35	12,950,740.21	7,303,147.60	28,586.34	8,279,018.83
<b>Total</b>	14,915,119.19	20,071,406.05	18,409,198.86	327,097.28	16,904,423.66
Total Held In Trust					16,904,423.66
Total Allocated to Court Sites (Check Book Balances)					15,467,635.97
Difference (Net Interest Earned)					1,436,787.69

### Cumulative Interest Less Expenses from 11/94 to Present

<b>Fund</b>	<b>Cumulative Interest Earned<sup>7</sup></b>	<b>Cumulative Prior Periods' Expenses and Allocated Costs<sup>8</sup></b>	<b>This Period's Expenses<sup>9</sup></b>	<b>Net Interest Earned<sup>10</sup></b>
<b>Dreyfuss</b>	368,242.73			
<b>Coupons</b>	1,356,847.68			
<b>Overnight</b>	573,036.29			
<b>Total</b>	2,298,126.70	814,090.01	47,249.00	1,436,787.69

### Legislative Appropriation

<b>Fiscal Year</b>	<b>Total Amount Appropriated by Legislature<sup>11</sup></b>	<b>Amount from Interest Earned</b>	<b>Balance (From IBA Fees and Stop Payment Charges)</b>	<b>Percentage of Appropriation from Interest Earned</b>
FY95	\$80,000	\$72,000	\$8,000	90%
FY96	\$165,000	\$142,000	\$23,000	86%
FY97	\$204,000	\$188,660	\$15,340	92%
FY98	\$264,800	\$237,292	\$27,508	90%
FY99	\$238,500			

## Footnotes to Investment Account Balance Sheet

<sup>1</sup>**Fund:** Investment option currently utilized. Dreyfuss and Overnight have immediate access and post monthly interest. Coupons are long-, medium-, and short-term investments in Federal Home Loan Bank (FHLB), Fannie Mae Securities (FNMA), Federal Farm Credit Bank (FFCB), and other government securities. Interest is received periodically in the form of coupon payments (usually every six months).

<sup>2</sup>**Beginning Balance Invested:** Amount available for investment at the beginning of the month. Source of funds is Cash Bail, Restitution, Civil Actions, Garnishments, Other Trust, etc. This includes all trust funds held by the State Courts other than funds invested with interest accruing to litigants.

<sup>3</sup>**Collections:** Increases to investment funds. These are often offset with decreases to another fund.

<sup>4</sup>**Disbursements:** Decreases to investment funds. These are often offset with increases to another fund.

<sup>5</sup>**Interest Received This Month:** Monies actually received this month for interest. Dreyfuss and Overnight post interest monthly; Coupons receive periodic interest payments. This figure does not reflect accrued interest that has not been posted (pending coupon payments).

<sup>6</sup>**Ending Investment Balance:** A total of all trust fund monies invested for the courts (other than funds invested with interest accruing to litigants). This figure will be next month's Beginning Balance Invested.

<sup>7</sup>**Cumulative Interest Earned:** For each fund, a gross total of the interest earned to date, beginning November 1994.

<sup>8</sup>**Cumulative Prior Months' Expenses and Allocated Costs:** Total expenses and costs from November 1994 through the prior month. Costs include FTE expense (appropriation), armored car services, bankcard charges, bank supplies (checks, deposit slips, etc.), interest paid to litigants (not transferred to IBA account), and other bank charges.

<sup>9</sup>**This Month's Expenses:** Expenses actually paid during current month. Sources of costs are detailed in 8 above. The largest expenditure comes each July in the form of an appropriation check issued to the state of Utah; this check acts as a refund of expenditure against FTE expenses used in the accounting and auditing of trust and revenue funds.

<sup>10</sup>**Net Interest Earned:** Interest minus expenses, since November 1994; this includes interest actually posted and expenses actually paid.

<sup>11</sup>**Total Amount Appropriated by Legislature:** This includes monies to cover FTE expenses. The following positions have part or all of their salary paid from this fund, as follows:

Department	Employee Position	Percentage of Salary Paid
Finance Department	Accounting Tech	100%
	Accounting Tech	100%
	Budget & Accting Officer	50%
	Budget & Accting Officer	50%
	Budget & Accting Officer	50%
	Finance Director	50%

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# COURT REPORTER TECHNOLOGY ACCOUNT

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## **78-56-105. Record of court proceedings - Duties of court reporter.**

(4) Upon request and the payment of fees established by Section 78-56-108, the official court reporter shall transcribe the stenographic notes or video or audio recording of the court session and furnish the transcript to the requesting party.

## **78-56-108. Transcripts and copies - Fees - Establishment of Court Reporting Technology Account.**

(1) (a) The fee for a transcript of a court session, or any part of a court session, shall be 80 cents per folio for the initial preparation of the transcript and 20 cents per folio for a copy. If two or more persons order copies, the fee shall be 30 cents per folio for the first copy furnished each person, and 20 cents per folio for each additional copy furnished each person. The transcript for an appeal shall be prepared within the time period permitted by the rules of Appellate Procedure. The fee for a transcript prepared within three business days of the request shall be 1-1/2 times the base rate. The fee for a transcript prepared within one business day of the request shall be double the base rate.

(b) When a transcript is ordered by the court, the fees shall be paid by the parties to the action in equal proportion or as ordered by the court. The fee for a transcript in a criminal case in which the defendant is found to be impecunious shall be paid pursuant to Section 77-32-305.

(c) There is established within the General Fund a restricted account known as the Court Reporting Technology Account. The clerk of the court shall transfer to the state treasurer for deposit into this account all fees received under this section. The state court administrator may draw upon this account for the purchase, development, and maintenance of court reporting technologies and for other expenses necessary for maintaining a verbatim record of court sessions.

(2) The fee for the preparation of a transcript of a court hearing by an official court transcriber other than an official court reporter and the fee for the preparation of the transcript by a certified shorthand reporter of a hearing before any referee, master, board, or commission of this state shall be as provided in Subsection (1)(a), and shall be payable to the person preparing the transcript.

## **POLICY AND PROCEDURES:**

To be adopted by Court Reporter Committee chaired by Mark Jones.

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# GUARDIAN AD LITEM SERVICES ACCOUNT

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## **63-63a-8.5. Guardian Ad Litem Services Account established - Funding - Uses.**

There is created in the General Fund a restricted account known as the Guardian Ad Litem Services Account, for the purpose of funding the Office of the Guardian Ad Litem Director, in accordance with the provisions of Sections 78-3a-911 and 78-3a-912. The Division of Finance shall allocate 1.75% of the collected surcharge established in Section 63-63a-1 to the Guardian Ad Litem Services Account. That amount may not, however, exceed the amount appropriated by the Legislature.

NOTE: The Guardian Ad Litem General Fund Restricted Services Account fund on going operations in the Guardian Ad Litem program along with the General Fund and the funds from the Children's Legal Defense Fund.

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## GAL DEDICATED CREDITS

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### **78-3a-912. Appointment of attorney guardian ad litem - Duties and responsibilities - Training - Trained staff and court appointed special advocate volunteers - Costs - Immunity.**

6 (b) When the court appoints an attorney guardian ad litem under this section or Section 78-7-9, the court may assess all or part of the attorney's fees, court costs, and paralegal, staff, and volunteer expenses against the minor's parents or parent in a proportion that the court determines to be just and appropriate. The court may not assess those fees or costs against a parent who is found to be impecunious.

NOTE: The dedicated credit revenue is very tenuous. As a result, these funds are considered one time, and are only spent upon receipt. The estimate budgeted by the Legislature is \$20,000 per year, but first year actual was \$1,611.05.

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## CASA VOLUNTEER ACCOUNT

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### **21-5-4. Fees and mileage.**

(6) There is created within the General Fund, a restricted account known as the CASA Volunteer Account. A juror may donate the juror's fee to the CASA Volunteer Account in \$18.50 or \$49 increments. The Legislature shall annually appropriate money from the CASA Volunteer Account to the Administrative Office of the Courts for the purpose of recruiting, training, and supervising volunteers for the Court Appointed Special Advocate program established pursuant to Section 78-3a-912.

NOTE: Although statute provides for the voluntary donation, the Ethics Advisory Opinion effectively eliminated revenue to this fund. The fund is still authorized by statute.

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## STATE COURTS COMPLEX ACCOUNT

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### **78-7-35. Civil fees of the courts of record - Courts complex design.**

(2)(a)(iv)(B)(2)(b) After June 30, 1998, the administrator of the courts shall ensure that all revenues representing the difference between the fees in effect after May 2, 1994, and the fees in effect before February 1, 1994, are transferred to the Division of Finance for deposit in the restricted account.

(c) The Division of Finance shall deposit all revenues received from the court administrator into the restricted account created by this section.

(d) (i) From May 1, 1995 until June 30, 1998, the administrator of the courts shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Facilities Construction and Management Capital Projects Fund. The division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail forfeiture paid.

(ii) After June 30, 1998, the administrator of the courts shall transfer \$7 of the amount of a fine or bail forfeiture paid for a violation of Title 41, Motor Vehicles, in a court of record to the Division of Finance for deposit in the restricted account created by this section. The division of money pursuant to Section 78-3-14.5 shall be calculated on the balance of the fine or bail forfeiture paid.

(3) (a) There is created within the General Fund a restricted account known as the State Courts Complex Account.

(b) The Legislature may appropriate monies from the restricted account to the administrator of the courts for the following purposes only:

(i) to repay costs associated with the construction of the court complex that were funded from sources other than revenues provided for under this subsection; and

(ii) to cover operations and maintenance costs on the court complex.

NOTE: Funds are appropriated from this account each year to the Judicial Council for the purpose of offsetting the annual Revenue Bond payment and for a portion of the O&M costs. The revenue is estimated to be at least 3.2 million per year, and the appropriation is set based upon the Revenue Bond payment and estimated O&M.

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## LAW LIBRARY NON-LAPSING ACCOUNT

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### **78-7-35.1. Fees for certificate of admission.**

The appellate courts shall receive a \$50 fee for a certificate of admission as attorney and counselor, \$30 of which shall be retained by the state treasurer for the benefit of the State Law Library, to be expended by the Judicial Council.

NOTE: The funds are in a non-lapsing dedicated credit. These funds are used for one time purchases to benefit the Law Library and its patrons. These funds may be used for equipment, special collection purchases, etc.

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## COURT INTERPRETER DEDICATED CREDITS

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### **78-24-4. Interpreters - Subpoena - Contempt - Costs.**

(1) When a witness does not understand and speak the English language, an interpreter must be sworn in to interpret. Any person may be subpoenaed by any court or judge to appear before such court or judge to act as interpreter in any action or proceeding. Any person so subpoenaed who fails to attend at the time and place named is guilty of contempt.

(2) The Judicial Council may establish a fee for the issuance and renewal of a license of a certified court interpreter. Any fee established under this section shall be deposited as a non-lapsing dedicated credit to the Judicial Council.

(3) If the court appoints an interpreter, the court may assess all or part of the fees and costs of the interpreter against the person for whom the service is provided. The court shall not assess interpreter fees or costs against a person found to be impecunious.

NOTE: The funds are placed in a non-lapsing dedicated credit, and are used to offset the costs of the interpreter program. The General Fund basically supports the interpreter program.



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# GRANTS (Federal and Non-profit)

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## **Rule 3-411. Grant management.**

### Intent:

To establish the policy and procedures for obtaining grant funds.

To delineate the responsibility for the administration of grant funds and projects.

To facilitate the coordination of grant funded projects in the courts.

### Applicability:

This rule shall apply to the application process for and management of grants for the judiciary.

### Statement of the Rule:

#### (1) Application process.

(A) A person interested in applying for grant funds shall prepare a proposal including

(i) the issues to be addressed by the project,

(ii) an explanation of how the grant funds will contribute toward resolving the issues identified, and

(iii) an identification of possible funding sources for the continuing costs of the project when grant funds are no longer available.

#### (B) Submission of the proposal.

(i) The proposal shall be reviewed by the court executives or their designees and the judges in the districts which will be affected by the project.

(ii) If the court executives or their designees and the presiding judges in the districts which will be affected by the project approve the proposal, the proposal shall be forwarded to the grant coordinator at the administrative office.

(iii) If the court executives or their designees and the presiding judges in the districts that the project will affect approve the proposal, but sufficient time to comply with paragraph (1)(C) prior to submission of the proposal to the funding source is not available, the proposal may be submitted simultaneously to the funding source and the grant coordinator at the administrative office.

(C) Review of the proposal. The grant coordinator shall review the proposal with the Finance Manager and the court level administrator. This review must be complete prior to submission to the Board(s) of Judges under paragraph (1)(D).

(D) Recommendation by the Board of Judges. The Board of Judges for affected courts must recommend to the Council that the grant proposal be pursued.

(E) Approval by the Council. Any proposal to apply for grant funds must be approved by the Council.

(F) If the Council approves the proposal, the grant coordinator shall work with the requestor and the affected courts in seeking the grant funds. The administrative office shall constitute the designated agency for approving grant applications if such approval is required by the grant application.

(G) If the Council or a Board of Judges does not approve the proposal, the proposal shall not be submitted to the funding source or, if already submitted to the funding source, the proposal shall be withdrawn.

(H) No funds shall be accepted from a funding source until the proposal is approved under paragraph 1)(E).

#### (2) Administration of grant funds and projects.

(A) The administrative office shall receive, administer and be accountable for all grant funds awarded to the courts and provide detailed budget reports to the Council upon request.

(B) The administrative office shall name the project director for each grant. The project director may delegate the supervision of non-judicial daily operations and other non-judicial duties required by the grant. The presiding judges of the districts affected by the project shall supervise any judicial or quasi-judicial duties required by the grant.

#### (3) Grant applications by non-judicial branch applicants.

(A) Endorsement of a grant application prepared by a non-judicial branch applicant may only be made by the Judicial Council.

(B) Any grant application by a non-judicial branch applicant which contemplates participation of the courts or expenditures of court resources should be referred to the Judicial Council for review and endorsement. Judicial branch employees shall not participate in the preparation of a grant application by a non-judicial branch applicant without Judicial Council approval.

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# COURT SECURITY ACCOUNT

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## **63-63c-101. Security surcharge -- Application and exemptions -- Deposit in restricted account.**

(1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$25 shall be assessed in all courts of record on all criminal convictions and juvenile delinquency judgments.

(2) The security surcharge may not be imposed upon:

(a) nonmoving traffic violations;

(b) community service; and

(c) penalties assessed by the juvenile court as part of the non-judicial adjustment of a case under Section **78-3a-502**.

(3) The security surcharge shall be collected after the surcharge under Section **63-63a-1**, but before any fine, and deposited with the state treasurer. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.

(4) The state treasurer shall deposit the collected security surcharge in the restricted account, Court Security Account, as provided in Section **63-63c-102**.

## **63-63c-102. Court Security Account established -- Funding -- Uses.**

(1) There is created a restricted account in the General Fund known as the Court Security Account.

(2) The state treasurer shall deposit in the Court Security Account:

(a) collected monies from the surcharge established in Section **63-63c-101**;

(b) monies from the portion of filing fees established in Subsections **78-7-35(1)(j)(iv)** and **(v)**; and

(c) amounts designated by Subsection **78-5-116.5(3)(b)(ii)**.

(3) The Administrative Office of the Courts shall use the allocation only to contract for court security at all district and juvenile courts, including perimeter security at stand alone juvenile courts, throughout the state.

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# JUSTICE COURT TECHNOLOGY, SECURITY AND TRAINING ACCOUNT

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## **78-5-116.5. Security surcharge -- Application -- Deposit in restricted accounts.**

(1) In addition to any fine, penalty, forfeiture, or other surcharge, a security surcharge of \$32 shall be assessed on all convictions for offenses listed in the uniform bail schedule adopted by the Judicial Council and moving traffic violations.

(2) The security surcharge shall be collected and distributed pro rata with any fine collected. A fine that would otherwise have been charged may not be reduced due to the imposition of the security surcharge.

(3) The security surcharge shall be allocated as follows:

(a) the assessing court shall retain 20% of the amount collected for deposit into the general fund of the governmental entity; and

(b) 80% shall be remitted to the state treasurer to be distributed as follows:

(i) 62.5% to the treasurer of the county in which the justice court which remitted the amount is located;

(ii) 25% to the Court Security Account created in Section **63-63c-102**; and

(iii) 12.5% to the Justice Court Technology, Security, and Training Account created in Section **78-5-116.7**.

(4) The court shall remit money collected in accordance with Title 51, Chapter 7, State Money Management Act.

## **78-5-116.7. Justice Court Technology, Security, and Training Account established -- Funding -- Uses.**

There is created a restricted account in the General Fund known as the Justice Court Technology, Security, and Training Account.

(1) The state treasurer shall deposit in the account monies collected from the surcharge established in Subsection **78-5-116.5(3)(b)(iii)**.

(2) Monies shall be appropriated from the account to the Administrative Office of the Courts to only be used for technology, security, and training needs in justice courts throughout the state.

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# JUVENILE COURT NONLAPSING DEDICATED CREDIT ACCOUNTS

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## **78-3a-201. Board of Juvenile Court Judges - Composition - Purpose.**

(1) (c) The board may receive and expend any funds that may become available from the federal government or private sources to carry out any of the purposes of this chapter.

(i) The board may meet any federal requirements that are conditions precedent to receiving the funds.

(ii) The board may cooperate with the federal government in a program for training personnel employed or preparing for employment by the juvenile court and may receive and expend funds from federal or state sources or from private donations for these purposes.

(iii) Funds donated or paid to the juvenile court by private sources for the purpose of community service programs shall be non-lapsing.

## **CURRENT SPECIAL DEDICATED CREDIT ACCOUNTS**

### **Policy:**

Special Services may solicit additional funding within the community for contractual work. Grants and other sources of income may be pursued as well. Usage of these funds should be outlined in the contractual agreement and approved by the Court Executive.

Payments received by the court should be logged in by the receiving party and forwarded to the AOC Finance Dept. Finance will deposit the money in the designated account.

Usage of these funds should be tracked on a form filled out by the crew supervisor. The form could indicate the site location, number of juveniles working, amount of time spent on the job, and any supplies used.

These forms would be compiled as needed to tie the funds to a specific contract, as required in that contract. All forms should be retained for auditing purposes for two years. The compilation would be done by the Program Coordinator or designee.

Expenditures will be turned into the Program Coordinator who will log them in, verify them for accuracy, and turn them in to the court employee who handles FINET transactions. This person will keep record of all deposits and payments made and reconcile this record monthly with the AOC records. These records should also be kept for auditing purposes.

AOC Finance will send a detailed monthly report of the deposits and expenditures made on this account to the Court Executive or their designee.

### *Current Programs*

The programs which use the dedicated credit accounts are designed to target a specific group of juveniles and/or to address a specific problem or purpose. The programs are established and defined by contracts, which are established with the agency granting the funds for the program(s). The terms of the contract include, but are not limited to, the length of the contract and program, the amount of the grant, the reporting requirements, the limitations of the contract, the requirements on how the money may be used, etc.

### **Second District**

1295 Weber County Drug Court - The Second District Juvenile Court's Weber County probation department participates in a team approach to address the issues of minors court ordered into the Weber County Delinquency Drug Court. The program uses a therapeutic approach providing alternative treatment and sentencing options to create treatment plans coupled with increased Judicial and Probation supervision for non violent minors convicted of a drug related offense.

1296 Davis County Drug Court - The Second District Juvenile Court's Davis County probation department participates in a team approach to address the issues of minors court ordered into the Davis County Delinquency Drug Court. The program uses a therapeutic approach providing alternative treatment and

sentencing options to create treatment plans coupled with increased Judicial and Probation supervision for non violent minors convicted of a drug related offense.

1297 Community Service - The Second District Juvenile court's Community Service Program provides numerous types of community service to nonprofit or governmental agencies in Weber, Davis and Morgan Counties. Some of the sites are: Antelope Island, Davis Vocational Center, Weber Vocational Center, Eccles Art Center, Weber County Fair Grounds and several schools in Weber and Davis Counties. The District also contracts with Utah Department of Transportation to remove litter from the freeways year round. There are seven employees (in addition to the two that are assigned to graffiti) who work under this program as well as a supervisor. There are five vans that are assigned to community service (two additional vehicles are used for graffiti).

1298 Graffiti Account - The Second District Juvenile Court has contracted with nine agencies in Weber County (Weber Co. Schools, Ogden City, West Haven City, Uintah City, Ogden City, Weber County, Washington Terrace, Roy City, Riverdale City) and two cities in Davis County (Layton and Kaysville) to remove graffiti from any property within those agencies jurisdiction. If the property is not owned by the contracting entity, a release of liability is obtained before removal of the graffiti. The cost of the program includes: personal, vans, paints, chemicals, equipment, film and film processing (before and after pictures). There are two full time employees whose main job responsibility is to remove graffiti.

#### Third District

1397 Tobacco Court - The grant for the Tobacco Program was received from several private and non-profit agencies. The purpose of this program is to hold juveniles more accountable for repeat tobacco offenses. If the juvenile offends three or more times, the charge is petitioned to court for handling. The program is limited to the Jordan and Murray areas due to the limited amount of resources allocated. The grant pays for the employment of two part-time people—a coordinator and a clerk. The length of the contract is money driven—when the funds run out, the program will end. The program is supervised by the Chief over Assessment and Diversion.

1398 Community Service - The grant for the Community Service program is received from cities, school districts, and governmental agencies. The purpose of this program is to have juveniles perform supervised community service for these agencies, such as graffiti removal. The grant pays for employees and for necessary supplies in order to perform the service. Any supplies purchased and employee work time is billed back to the agencies, who reimburse the court for these expenses. The length of the contracts varies with each agency and is specified within each contract. The program is supervised by the Juvenile Court Program Coordinator.

#### Fourth District

1497 UDOT Contract Funds - This account is UDOT contract money received from the Fillmore District. Its purpose is to provide litter control along I-15 in the Fillmore/Scipio/Delta areas. Inter Agency Transfers are done twice a year: One half in July and the balance in December of each year. The money is used for personal services. This program is supervised by a Deputy Probation Region Supervisor.

1498 TAG - Contract money is received from all of the twenty-two cities in Utah County and Utah County government. The purpose of these contract monies is to provide graffiti cleanup services throughout the County. The monies are used to purchase equipment and supplies to accomplish graffiti cleanup. The cities and the County are billed in January of each year with the contracts running on a calendar year basis. Accounting reports are provided to the Cities and the County at the end of each calendar year. Any un-used monies are deducted from the following year's contract amount. This program is supervised by the Program Coordinator.

1499 Community Service - Grants and contract monies are received from a variety of sources; mostly cities and UDOT. The purpose of the monies is to provide services such as weed abatement, park maintenance, street maintenance, litter control, and area maintenance. The monies pay for equipment, personal services, and DPO training. Services are billed to the various sources in accordance with the contract and vary in method of billing from inter-agency transfers, monthly billings, quarterly billings and lump sum payments. This program is supervised by the Program Coordinator.